

EXHIBIT H

1

2 UNITED STATES DISTRICT COURT
3 EASTERN DISTRICT OF NEW YORK

4

5

6 LI RONG GAO, SHU F. JIANG and XIAO HONG ZHENG,

7

8 Individually and on behalf of all others
9 similarly situated,

10

11 WEI S. TAN and WEI J. WU, Individually,

12

13 Plaintiffs,

14

15 -against-

16 Case No.
17 10-CIV-1637

18

19 PERFECT TEAM CORPORATION d/b/a GUANG ZHOU RESTAURANT,
20 JI SHIANG, INC., d/b/a GUANG ZHOU RESTAURANT, FENG
21 LIN, CHUN KIT CHENG a/k/a JUN JIE ZHENG, JIA LI WANG
22 and ZHUO PING CHEN a/k/a CHEUK PING CHEN,

23

24 Defendants.

25

26

27 123 William Street
28 New York, New York

29

30

31 July 7, 2011
32 9:38 a.m.

33

34

35

36

37

38

39

40

41 DEPOSITION of JIA LI WANG, a Defendant
42 in the above-entitled action, held at the above time
43 and place, taken before Joanna Mystkowski, a Notary
44 Public of the State of New York, pursuant to the
45 Federal Rules of Civil Procedure and stipulations
46 between Counsel.

47 ORIGINAL

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A P P E A R A N C E S

URBAN JUSTICE CENTER

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AMY TAI, ESQ.

LAW OFFICES OF BENJAMIN B. XUE, PC

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ALSO PRESENT:

TINA ZHENG - Mandarin Interpreter

CHUN KIT CHENG

SEBASTIAN SANCHEZ

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STIPULATIONS

IT IS HEREBY STIPULATED AND AGREED, by
and between the attorneys for the respective parties
hereto, that the filing, sealing and certification of
the within deposition shall be and the same are
hereby waived;

IT IS FURTHER STIPULATED AND AGREED
that all objections, except as to form of the
question, shall be reserved to the time of the trial;

IT IS FURTHER STIPULATED AND AGREED
that the within deposition may be signed before any
Notary Public with the same force and effect as if
signed and sworn to before the Court.

* * *

4

1

2 T I N A Z H E N G,

3 having first been duly sworn by a Notary

4 Public of the State of New York, to

5 accurately and faithfully translate from

6 English to Mandarin and Mandarin to English,

7 the best of their ability, is as follows:

8 J I A L I W A N G,

9 having been first duly sworn by a Notary

10 Public of the State of New York was

11 examined and testified as follows:

12 EXAMINATION BY

13 MR. COLODNY:

14 Q State your full name for the record.

15 A Jia Li Wang.

16 Q State your address for the record.

17 A 6456 Cloverdale Boulevard, Bayside, New
18 York 11364.

19 MR. COLODNY: Good morning, everyone.

20 I know Mr. Chuang wanted to ask a couple
21 of questions of the interpreter. Before we
22 do that, I just want to identify who is in
23 the room.

24 Today is July 7, 2011 and we're here at
25 the offices of the Urban Justice Center at

1 JIA LI WANG

2 A Yes.

3 Q Did you have to meet with anyone to
4 discuss your qualifications for the job?

5 A No.

6 Q Before you started working at Guang
7 Zhou Restaurant, did anyone tell you what you would
8 be paid for your work?

9 A Are you talking about before I start
10 working there or --

11 Q Yes. Before you started working?

12 A Yes, my husband.

13 Q What did he tell you about how much you
14 would be paid?

15 A He said we'll see.

16 Q After you started working at the
17 restaurant, did you ever discuss with anyone how much
18 you would be paid for your work?

19 A After I started working I talked to my
20 husband.

21 Q What did you discuss?

22 A How much he paying me.

23 Q And what did he say about how much you
24 would be paid?

25 A He said it doesn't matter, I'll pay you

34

1

JIA LI WANG

2

two thousand.

3

Q Does that mean two thousand dollars per

4

month?

5

A Yes.

6

Q Approximately how long after you

7

started working at the restaurant did you first get

8

paid?

9

A I was paid when I start working, when

10

it was opening.

11

Q During the period between June 2007 and

12

June 2009, was your salary always two thousand

13

dollars per month?

14

MR. CHUANG: When you get a chance,

15

thank you.

16

A Yes.

17

MR. COLODNY: Mr. Chuang, did you want

18

to break or --

19

MR. CHUANG: Yeah, when you get a

20

moment at a convenient time, five minutes.

21

MR. COLODNY: Okay. Let's go ahead and

22

take a break right now. We can go off the

23

record. Thank you.

24

(Whereupon, a short recess was taken.)

25

Q Ms. Wang, during the break that we just

44

1

JIA LI WANG

2

Q Yes.

3

A Let me think about it. At one point
4 normally I come before 11:30.

5

Q For how long of a period of time did
6 you normally go to the restaurant before 11:30?

7

A Like on Saturdays, I'm already there by
8 11:30.

9

Q Earlier when I asked you about your
10 schedule you said you were always there. What did
11 you mean when you said you were always there?

12

A Normally I'm always there. I never
13 have a full day off like normally when you have --
14 people have a full day off, I never have a full day
15 off.

16

Q So is it correct that you normally
17 worked seven days per week between June 2007 and June
18 2009?

19

A Normally, approximately, but I don't
20 quite remember.

21

Q Approximately how many hours per day
22 did you normally work on the days that you worked?

23

A I don't quite remember. If I have my
24 booklet, I can tell you exactly, but I don't have my
25 booklet so I can't really remember.

46

1

JIA LI WANG

2

3

Q Did you normally stay at the restaurant
until all the customers had left?

4

A Normally.

5

6

Q Isn't it true that in addition to being
a cashier you were also a manager at Guang Zhou

7

Restaurant?

8

A After Mr. Lai left.

9

Q When did Mr. Lai leave?

10

A January of 2008.

11

Q Sorry, that was January 2008?

12

A Yeah, January 2008.

13

14

Q How did you know that you were going to
be a manager when Mr. Lai left?

15

A What do you mean how do I know?

16

THE INTERPRETER: She want to repeat

17

the whole question again.

18

19

Q Let me ask a different question. Are
you the one that decided that you would be a manager?

20

A Not really.

21

Q Who decided?

22

A Nobody decided.

23

24

Q So how did you know that you should
start acting as a manager?

25

A Because there is no longer a manager so

1 JIA LI WANG

2 I want to do my best to help my husband.

3 Q Did you tell your husband that you were
4 going to be the manager?

5 A You mean I'm suggesting to my husband?

6 Q Yes. I'm asking whether you ever told
7 your husband that you were going to be the manager?

8 A Yes.

9 Q After you became a manager, were you a
10 manager up until the time the restaurant closed on
11 June 1st, 2009?

12 A I want to clarify something. I told my
13 husband okay, right now there is no manager so we'll
14 do it ourselves.

15 Q And what did he say?

16 A Up to you.

17 MS. TAI: I just want to clarify the
18 translation was -- the direct translation
19 would be whatever you want.

20 MR. COLODNY: Is that a fair
21 translation?

22 THE INTERPRETER: Yeah, it doesn't
23 matter. I mean, yeah, it's fine. Yes.

24 MR. COLODNY: Does anyone have an
25 objection to that?

48

1

JIA LI WANG

2

MR. XUE: I actually did not hear the

3

answer because it was little bit low.

4

MR. CHUANG: No objection.

5

Q Is it correct that from the time you

6

became a manager in January 2008 until June 1st, 2009

7

that you were a manager during that whole time?

8

A Yes.

9

Q During the time that you were a

10

manager, were you also still a cashier?

11

A Yes.

12

Q Before June 1st, 2009, were there any

13

documents that said what your job title was or what

14

your responsibilities were at the restaurant?

15

A No, but whatever my husband said,

16

that's it.

17

Q Before June 1st, 2009 when you worked

18

at the restaurant, where were you located during the

19

day when you were working?

20

MR. XUE: Object to form.

21

MR. COLODNY: Well, I'll rephrase the

22

question.

23

Q Before June 1st, 2009, where in the

24

restaurant did you normally spend your time during

25

the day?

54

1

JIA LI WANG

2

only a cashier, is it correct that you spent the

3

majority of your time working at the cash register or

4

handling take out orders?

5

A Yes, but when the waiter or waitress is

6

busy, I will help them out.

7

Q Is it correct that it was a small

8

amount of time that you spent helping out the waiters

9

and waitresses?

10

A That's all depends, too.

11

Q How many hours per week did you spend

12

helping out the waiters and waitresses during the

13

time you were a cashier?

14

A Like I said before, when it gets busy.

15

Q Can you give an approximation of how

16

often that happened or how many hours per week that

17

happened?

18

A It's unable to explain.

19

Q Before June 1st, 2009, did you ever

20

interview any employees who were looking for a job at

21

Guang Zhou Restaurant?

22

A No.

23

Q Before June 1st, 2009, did you ever

24

hire any people to work at Guang Zhou Restaurant?

25

A Before '09?

1 JIA LI WANG

2 Q Before June 1st, 2009?

3 A Yes.

4 Q During what period of time did you hire
5 people to work at the restaurant?

6 A Jiang Shu Fa.

7 Q Did you hire any workers other than Shu
8 Fa Jiang?

9 A Gai Li Rong.

10 Q Are there any other workers that you
11 hired?

12 A Cheuk Ping Chen.

13 Q Are there any other workers that you
14 remember hiring?

15 A De Run Wu.

16 Q When did you hire Cheuk Ping Chen to
17 work at the restaurant?

18 A Before Gao Li Rong.

19 Q Do you remember approximately what
20 month or year you hired Cheuk Ping Chen?

21 A Probably -- should be in 2008.

22 Q When did you hire Wu De Run?

23 A All I remember was he was after Wu Wei
24 Jian.

25 Q Are there any other workers that you

56

1

JIA LI WANG

2

remember hiring?

3

A Shuang Shuang Zhang.

4

Q When did you hire Mr. Zhang?

5

A Should be in 2008.

6

Q Are there any other workers that you

7

remember hiring?

8

A Right now this is only I can recall.

9

I'm not sure if there is any others.

10

Q I'm going to show you what we

11

previously marked as Plaintiff's Exhibit 2. If you

12

could please look at the bottom of Page 4. There are

13

several names at the bottom of the page. Did you

14

hire any of these workers?

15

A No.

16

Q Can you turn the page to Page 5,

17

please. There is a list of approximately twenty or

18

twenty-five names here. If you could please take a

19

moment and let us know if you remember if you hired

20

any of these workers?

21

A You want me to point it out for you?

22

Q Could you read the name, please?

23

A An Long Chen.

24

MS. TAI: Can you say that name again.

25

THE WITNESS: An Long Chen, A-N L-O-N-G

1 JIA LI WANG

2 C-H-E-N.

3 Q Approximately when did you hire An Long
4 Chen?

5 A Probably 2008.

6 Q Are there any other workers on this
7 list that you hired?

8 A Wei Xiong Zhong.

9 Q When did you hire Wei Xiong Zhong?

10 A Should be '08.

11 Q Are there any other workers on this
12 list that you hired?

13 A Chen Zhou Ping.

14 Q Anyone else?

15 A Zhang Shuang Shuang.

16 Q Is that the same person you mentioned
17 earlier?

18 A Yes.

19 Q Anyone else?

20 A Gai Li Rong.

21 Q Anyone else?

22 A Some of them I don't remember.

23 Q Okay. Are there any other workers who
24 started working at the restaurant in 2008 that you
25 did not hire?

58

1

JIA LI WANG

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MR. CHUANG: Objection. Confusing.

3

You may answer.

4

A Okay. I want to say something. There

5

is a name Kevin in the list. I want to say that

6

Kevin worked with me for a while as a manager.

7

Q During what period of time was Kevin a

8

manager?

9

A Before Gao Li Rong he was there only

10

for a few months.

11

Q Other than you, who else hired workers

12

at the restaurant?

13

A Kevin.

14

Q Anyone else?

15

A My husband.

16

Q Anyone else?

17

A No.

18

Q So after Kevin left, is there anyone

19

who hired workers other than you and your husband?

20

A No.

21

Q There is a name in English on this list

22

on Page 5 K-A-V-I-E, do you see that?

23

A Uh-huh.

24

Q Is that person Kevin?

25

A Yes.

1 JIA LI WANG

2 Q During the time before you became a
3 manager, did you hire any workers?

4 A Before I became a manager?

5 Q Yes. Before you became a manager.

6 A No.

7 Q Before June 1st, 2009, did you ever
8 instruct workers on what to do at the restaurant?

9 A Yes.

10 Q During what period of time did you
11 instruct workers what to do?

12 A Are you saying after I become a manager
13 or --

14 Q Did you ever instruct workers on what
15 to do during the time that you were only a cashier?

16 A No.

17 Q Did you instruct workers what to do
18 after you became a manager?

19 A Yes.

20 Q What kinds of instructions did you
21 normally give to the workers?

22 A Just told them to follow according
23 before Mr. Lai left, what Mr. Lai told them to do I
24 just told them the same original instructions.

25 Q Before June 1st, 2009, did you ever

1 JIA LI WANG

2 A After Kevin left.

3 Q Did he continue to help you from the
4 time Kevin left until June 1st, 2009?

5 A Yes.

6 Q What did Feng Lin help you do to help
7 you make the schedules?

8 A I just told him to copy what Kevin had
9 left.

10 Q Did anyone have to make decisions about
11 what days or hours certain employees would work as
12 part of the schedule?

13 A I do.

14 Q Did you make those decisions by
15 yourself?

16 A What kind of decisions?

17 Q Did you make decisions yourself about
18 what days -- which employees would work which days or
19 which hours?

20 A Yes.

21 Q Did you do that throughout the time you
22 were a manager?

23 A Yes.

24 Q What did Chen Cheuk Ping do to help you
25 make schedules?

62

1 JIA LI WANG

2 A Same like before.

3 Q During what period of time did Chen

4 Cheuk Ping help to make the schedules?

5 A Same as after Kevin left.

6 Q Did he continue to help until June 1st,

7 2009?

8 A Yes.

9 Q Did you ever help to make the schedules
10 during the time that you were only a cashier?

11 A You mean before I became manager?

12 Q Yes.

13 A No.

14 Q Did anyone give you any instruction on
15 how many hours you should assign to the waiters and
16 captains?

17 A No.

18 MS. TAI: Just to clarify, did you say
19 "jau" as in teach or did you say "jau" as
20 in tell her what to do?

21 THE INTERPRETER: Jau is tell her what
22 to do.

23 MS. TAI: Okay.

24 Q Before June 1st, 2009, did you ever
25 promote any employees?

1 JIA LI WANG

2 THE INTERPRETER: Sorry, I'll stop
3 right now.

4 MR. XUE: I'm going to object.

5 Q I'll rephrase the question. Before
6 June 1st, 2009 did you ever tell any employees that
7 their job at the restaurant was changing?

8 MR. XUE: Objection to the question and
9 translation. I don't understand the
10 question.

11 MR. COLODNY: Did you understand the
12 question to translate?

13 THE INTERPRETER: Zen zu, is that it?

14 MS. TAI: I don't know if I can
15 respond.

16 MR. XUE: Promotion, I don't think
17 there is anything about promotion.

18 MR. COLODNY: The last question wasn't
19 promotion, it was just did you change
20 anyone's job at the restaurant. Could you
21 read back the last question, please?

22 (Whereupon, the requested question was
23 read back by the reporter.)

24 THE INTERPRETER: That's what I told
25 her.

64

1

JIA LI WANG

2

MR. COLODNY: Do you mind repeating the

3

question?

4

MR. XUE: I will object to form.

5

Q You can answer.

6

A When? When? Time frame, after like

7

when I was in cashier or --

8

Q Did you ever do that during the time

9

you were a cashier?

10

A To change their jobs?

11

Q Let me rephrase the question. Did you

12

ever change anyone's job at the restaurant during the

13

time you were a cashier?

14

A No.

15

Q Did you do it during the time you were

16

a manager?

17

A Yes.

18

Q Do you remember the names of any

19

workers whose jobs you changed?

20

A Yes.

21

Q What are the names of those workers?

22

A Zheng Xiao Hong.

23

Q Any other workers?

24

A Wei Shun Wu.

25

Q Is there anyone else that you remember?

1 JIA LI WANG

2 A Lin Feng.

3 Q Anyone else?

4 A That's it.

5 Q What was the change in position for
6 Xiao Hong Zheng?

7 A Headwaiter.

8 Q Did her position change from waiter to
9 headwaiter?

10 A Yes.

11 Q Are you the one that decided that she
12 would become a headwaiter?

13 A Yes.

14 Q Did anyone else help you make that
15 decision?

16 A No.

17 Q What was the change in position for Wei
18 Shun Wu?

19 THE INTERPRETER: What's the name
20 again?

21 MS. TAI: It's Wu Wei Shun.

22 MR. COLODNY: Thank you.

23 A Same as Xiao Hong Zheng.

24 Q Who decided that Wu Wei Shun would
25 become a headwaiter?

66

1

JIA LI WANG

2

A I did.

3

Q Did anyone help you make that decision?

4

A No.

5

Q What was the change in position for Lin

6

Lin Feng?

7

A Same as Xiao Hong.

8

Q Who decided there would be a change?

9

A I did.

10

Q Did anyone help you make that decision?

11

A No.

12

Q Did Zhou Ping Chen's position ever

13

change at the restaurant?

14

A No, no change.

15

Q Before June 1st, 2009, did you have any

16

responsibility for paying wages to the employees of

17

the restaurant?

18

A Before?

19

Q Before June 2009.

20

A Before Mr. Lai, no. After Mr. Lai

21

left, yes.

22

Q What was your responsibility after

23

Mr. Lai left?

24

A I said I do everything.

25

Q Did you decide how much the waiters and

1 JIA LI WANG

2 headwaiters would be paid?

3 A I didn't change anything, I just follow
4 what Mr. Lai had left.

5 Q What about for the workers who changed
6 positions, did you decide how much their wage would
7 be for the new position?

8 A Yes.

9 Q Other than you, was there anyone else
10 who had responsibility for deciding how much the
11 waiters and headwaiters should be paid after Mr. Lai
12 left?

13 A No.

14 Q Before June 1st, 2009, did you ever
15 hand money to the workers to pay them?

16 A Yes.

17 Q Did you ever do that during the time
18 you were only a cashier?

19 A No.

20 Q After Mr. Lai left, was there anyone
21 other than you that would hand money to the workers
22 to pay them?

23 A No.

24 Q When you were paying the workers, where
25 did you get the money to pay them?

74

1

JIA LI WANG

2

MR. COLODNY: Do you remember the

3

question to interpreter it again?

4

A None of my business.

5

Q Before June 1st, 2009, did you ever

6

fire any of the workers at Guang Zhou Restaurant?

7

A On average, no.

8

Q Does that mean you never fired anyone

9

before June 1st, 2009?

10

A I don't quite remember.

11

Q Did any employees get fired from Guang

12

Zhou Restaurant before June 1st, 2009?

13

A I already answered that question.

14

Q Well, my first question was whether you

15

fired anyone, now I'm asking whether anyone was ever

16

fired before June 1st, 2009.

17

MR. CHUANG: If you know.

18

A You mean before '09?

19

Q Before June 1st, 2009.

20

A I don't remember.

21

Q Before June 1st, 2009, did you ever

22

warn or discipline any of the workers at Guang Zhou

23

Restaurant?

24

A Yes.

25

Q Do you remember the names of those

1 JIA LI WANG

2 workers?

3 A Yes.

4 Q What were their names?

5 A Xiao Hong Zheng.

6 Q Anyone else?

7 A I think there might be one time I spoke
8 to Gao Li Rong, I think.

9 Q Anyone else?

10 A Yes, Liang Zhiang.

11 Q What was his title in the restaurant?

12 A Headwaiter.

13 Q Anyone else?

14 A That's it.

15 Q Earlier you said that you were paid two
16 thousand dollars per month; is that correct?

17 A Uh-huh, yes.

18 Q Did you receive that money in cash, in
19 a check or both?

20 A Both.

21 Q During what periods of time did you get
22 paid by check?

23 A I don't remember.

24 Q Did you ever receive a pay stub when
25 you got paid?

80

1 JIA LI WANG

2 then how much, I don't know.

3 Q Who hired Kevin?

4 A I did.

5 Q When did Kevin stop working at Guang
6 Zhou Restaurant?

7 A Probably in July.

8 Q Is that July of 2008?

9 A Yes.

10 Q Before June 1st, 2009, did the
11 restaurant keep any records of the number of hours
12 that any of the employees worked?

13 A Yes.

14 Q What records did the restaurant keep?

15 A Schedules.

16 Q Other than schedules, were there any
17 records?

18 A No.

19 Q What happened to the schedules that the
20 restaurant used before June 1st, 2009?

21 MR. XUE: Objection. Object to
22 translation.

23 MR. COLODNY: Let me just rephrase the
24 question.

25 Q Do you have any of the schedules that

82

1

JIA LI WANG

2

possession of the schedules?

3

A Maybe, it's possible.

4

Q I'm going to show you what's been

5

marked as Plaintiff's Exhibit 4. Ms. Wang, could you

6

please look at the first page, which is numbered

7

number eighteen on the bottom. Do you recognize this

8

document?

9

A Yes.

10

Q What is it?

11

A Schedule.

12

Q Is this a schedule that was used at

13

Guang Zhou Restaurant before June 1st, 2009?

14

A Yes.

15

Q Who created this document?

16

A Kevin.

17

Q Please turn the page and look at the

18

second page which is numbered nineteen on the bottom.

19

Do you recognize this document?

20

A Yes.

21

Q What is it?

22

A Schedule.

23

Q Was this schedule used at Guang Zhou

24

restaurant before June 1st, 2009?

25

A Looks like it.

1 JIA LI WANG

2 Q Please look at the first column in the
3 third row right under the name Leo. Is that
4 character representative of the name Gao Li Rong?

5 A Yes.

6 Q And if you look at the row next to her
7 name going across the page, is that her schedule for
8 that particular week?

9 A Yes.

10 Q If you look at the row immediately
11 under that one, is that the schedule for Xiao Hong
12 Zheng?

13 A This is her schedule but why was it
14 marked -- somebody seems to be changing the schedule.

15 Q Well, let me just ask is that her name
16 on the left side of the row?

17 A Yes, it is.

18 Q Please look at the first column, the
19 third row from the bottom, is that the schedule for
20 Wei Jian Wu for that week?

21 A Which one you talking about?

22 Q Is it the third row from the bottom?

23 A What's the name again? Repeat the
24 question.

25 Q Do you see Wei Jian Wu's name on the

84

1

JIA LI WANG

2

left side of the page near the bottom?

3

A Yes.

4

Q What was Wei Jian Wu's day off that

5

week?

6

A Over here reads Tuesday.

7

Q And immediately below that, is that Wei

8

Tan's schedule in the row below Wei Shen Tan?

9

A Yes.

10

Q Who created this document?

11

A It's by headwaiter. By the

12

headwaiters.

13

Q Did the headwaiters actually type out

14

this document themselves?

15

A I'm not sure who typed it up.

16

Q Please turn the page. The third page

17

is numbered twenty on the bottom corner. Ms. Wang,

18

do you recognize this document?

19

A Yes.

20

Q What is it?

21

A Schedule.

22

Q Was this used at Guang Zhou Restaurant

23

prior to June 1st, 2009?

24

A Yes.

25

Q Who created this document?

1
2
3
4
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25

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X

LI RONG GAO, SHU F. JIANG and XIAO HONG ZHENG,

Individually and on behalf of all others
similarly situated,

WEI S. TAN and WEI J. WU, Individually,

Plaintiffs,

-against-

Case No.
10-CIV-1637

PERFECT TEAM CORPORATION d/b/a GUANG ZHOU RESTAURANT,
JI SHIANG, INC., d/b/a GUANG ZHOU RESTAURANT, FENG
LIN, CHUN KIT CHENG a/k/a JUN JIE ZHENG, JIA LI WANG
and ZHUO PING CHEN a/k/a CHEUK PING CHEN,

Defendants.

-----X

315 Madison Avenue
New York, New York

July 14, 2011
2:07 p.m.

CONTINUED DEPOSITION of JIA LI WANG, a
Defendant in the above-entitled action, held at the
above time and place, taken before Joanna Mystkowski,
a Notary Public of the State of New York, pursuant to
the Federal Rules of Civil Procedure and stipulations
between Counsel.

ORIGINAL

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1

2 A P P E A R A N C E S

3

4 URBAN JUSTICE CENTER

Attorneys for the Plaintiffs

5 123 William Street - 16th floor

New York, New York 10038

6

By: DAVID COLODNY, ESQ.

7

8

LAW OFFICES OF BENJAMIN B. XUE, PC

Attorneys for the Defendants

9

Ji Shiang, Inc. d/b/a Guang Zhou

10

Restaurant and Feng Lin

401 Broadway - suite 1009

11

New York, New York 10013

12

By: THOMAS FUNG, ESQ.

13

14 SAMUEL CHUANG, ESQ.

Attorney for the Defendants

15

Perfect Team Corporation,

Chun Kit Cheng and Jia Li Wang

16

135-11 40th Road - suite 4C

Flushing, New York 11354

17

18 ALSO PRESENT:

19 KA K. CHUI - Mandarin Interpreter

20

21

22

23

24

25

1

2 K A K. C H U I,

3 having first been duly sworn by a Notary

4 Public of the State of New York, to

5 accurately and faithfully translate from

6 English to Mandarin and Mandarin to English,

7 the best of their ability, is as follows:

8 J I A L I W A N G,

9 having been first duly sworn by a Notary

10 Public of the State of New York was

11 examined and testified as follows:

12 CONTINUED EXAMINATION BY

13 MR. COLODNY:

14 MR. COLODNY: Today is July 14th, 2011.

15 We are at the offices of Bee Reporting,

16 315 Madison Avenue. The interpreter today

17 is Ka K. Chui and in the room present in

18 addition to the court reporter and Mr. Chui

19 are the witness, Jia Li Wang, Samuel Chuang

20 and Thomas Fung, who is here from the

21 office of Benjamin Xue.

22 Q Ms. Wang, good afternoon. As you may

23 remember, my name is David Colodny. We're here this

24 afternoon to continue the deposition that we began

25 last week. Ms. Wang, just as a reminder you're still

1 JIA LI WANG

2 Ms. Wang.

3 MR. COLODNY: Could we mark that as
4 Plaintiff's Exhibit 7, please.

5 (Whereupon, documents were marked as
6 Plaintiff's Exhibit 7 for identification,
7 as of this date.)

8 MR. COLODNY: For the record,
9 Plaintiff's Exhibit 7 is six pages long and
10 does not have Bates numbers on the bottom.
11 This is a document that was produced by the
12 defendants.

13 Q Ms. Wang, could you please take a quick
14 look at the first four pages of this document. Have
15 you ever seen these pages before?

16 A Yes.

17 Q What are these pages?

18 A That's Li Rong Gao's chart of the
19 payroll.

20 Q Ms. Wang, if you could look at the
21 first page, please. Did you write any of the
22 information that's on this first page?

23 A Her name, that was written by me.

24 Q Is there anything else that you wrote
25 that is on that page?

134

1

JIA LI WANG

2

A Everything besides her own signature.

3

I wrote the rest.

4

Q And is the same true for the next three

5

pages that you wrote everything on those pages except

6

for Ms. Gao's signature?

7

A That's right.

8

Q Do you know who created the form that

9

existed before you started writing information in it?

10

A I don't know.

11

Q Where were papers like this kept after

12

they were filled out?

13

A Do you mind to repeat?

14

Q Yes. After these forms were filled in

15

with information, where were they kept?

16

A Inside the company.

17

Q Where inside the company?

18

A In the office.

19

Q If you could please look at the first

20

page. And please look at the first column on the

21

left side of the page. What does that say at the top

22

of column one?

23

A Would you mind to point it out to me?

24

Q Sure. In the box in the chart that's

25

at the top left corner of the page, this box.

1 JIA LI WANG

2 A Last name and name.

3 Q Is it correct that that's Li Rong Gao's
4 name right underneath?

5 A Right.

6 Q At the top of the page in the box next
7 to name, what does it say in that box?

8 A Here? This one, right? The second?

9 Q Yes, the second box over.

10 A Date worked.

11 Q Does that mean the number of days that
12 someone worked in a particular period of time?

13 A Would you mind to repeat?

14 Q Yes. Is the information contained in
15 this column information about the number of days that
16 Ms. Gao worked during a particular time period?

17 A Yes.

18 Q If there's a box in that column that is
19 blank, how would you know how many days Ms. Gao
20 worked during that period of time?

21 A Where is the blank that you're
22 referring to?

23 Q In that column it's eight boxes below
24 the top and it's next to number 200 and it's blank.

25 A In general within that half month of

136

1

JIA LI WANG

2 time when no days was taking off and then it would be
3 left blank just using the same number of days as the
4 one supposed to be.

5

6

7

8

MR. FUNG: Objection. Maybe you can
ask the interpreter to re-interpret that.
I think he missed a little bit of what the
witness said at the end.

9

10

MR. COLODNY: Was there anything that
she added at the end?

11

12

A When they didn't take off any days,
then it will be left blank.

13

14

15

Q Okay. In the column next to that,
there are several entries that say two hundred, do
you see those?

16

17

18

A Yes.

Q Does that mean that Ms. Gao's normal
rate of pay was two hundred dollars for half a month?

19

20

21

A Yes.

Q The next column has a box at the top
with some Chinese characters, do you see that box?

22

23

24

25

A Yes.

Q What does that box say?

A "Check."

Q It just says "check?"

1 JIA LI WANG

2 A Oh, are you talking about this box?

3 Q Yes.

4 A "Deduct check."

5 Q What type of information would go in
6 that column if there's any information for any
7 workers?

8 A I don't remember.

9 Q If you could look at the next column to
10 the right, please. What does that say at the top in
11 the box at the top of that column?

12 A "Actual wages paid."

13 Q So in this document, the numbers that
14 are in this column show how much the restaurant paid
15 to Ms. Gao for each of the pay periods?

16 A You're talking about this column,
17 right?

18 Q Yes.

19 A Yes.

20 MR. COLODNY: For the record, it's the
21 column with the number at the top of 26.67
22 and then below that there are two 193s and
23 below that 160 and 200.

24 Q Are those the amounts that were paid to
25 Ms. Gao each half a month during this time period?

138

1

JIA LI WANG

2

A Yes.

3

Q And the column next to that has Ms.

4

Gao's signature; is that right?

5

A Right.

6

Q Did you ever observe workers sign forms

7

like this one?

8

A Yes.

9

Q Where would they actually sign pages

10

like this, where in the restaurant?

11

A I don't remember which particular

12

location, but I know it's just -- it was inside the

13

restaurant.

14

Q Did the restaurant require the workers

15

to sign these pages?

16

A Well, these were signed by them.

17

Q Did the restaurant ever ask workers to

18

sign?

19

A I don't remember. These were signed by

20

themselves.

21

Q If you could look at the last column

22

that's the furthest to the right, please. Is it

23

correct that this column represents the dates for

24

which Ms. Gao worked and was getting paid?

25

A Yes.

1 JIA LI WANG

2 Q And according to this first page in
3 that first row it shows that Ms. Gao was working
4 April 29 to April 30, 2008; is that correct?

5 THE INTERPRETER: April 29?

6 MR. COLODNY: April 29 to April 30.

7 THE INTERPRETER: 2008 did you say?

8 MR. COLODNY: Yes.

9 A Yes.

10 Q And if you turn to the fourth page of
11 this document, please. On the right-hand side the
12 date at the bottom is 6/1/09, do you see that?

13 A Yes.

14 Q Does that mean that Ms. Gao worked at
15 the restaurant up until June 1st, 2009?

16 A Yes.

17 Q If you could continue looking on that
18 same page, Page 4, the second column from the left of
19 the page. At the top of that column is a number
20 1.50. Does that mean that Ms. Gao had one and a half
21 days off during that pay period?

22 A Yes.

23 Q Do you have any reason to believe that
24 the information filled in on this form for Ms. Gao is
25 not accurate?

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1

JIA LI WANG

2

A Please repeat.

3

Q Do you have any reason to believe that
4 the information filled in on this form for Ms. Gao is
5 not accurate?

6

A Whatever she said, that's what I put
7 down.

8

Q Well, would she tell you how many days
9 off she had in a particular pay period?

10

A Yes.

11

Q Did you keep any records other than
12 this of how many days she had off in a particular pay
13 period?

14

MR. FUNG: Objection. Just a little
15 misunderstanding between you and the
16 interpreter. If you could just repeat.

17

MR. COLODNY: Can you read back the
18 last

19

question, please?

20

(Whereupon, the requested question was
21 read back by the reporter.)

22

A No.

23

Q Do you have any reason to think that
24 this information about how many days she had off is
25 not correct?

1 JIA LI WANG

2 A I don't understand.

3 Q As far as you know, this information
4 accurately reflects how many days off she had,
5 doesn't it?

6 A As I said before, whatever she said,
7 that's what I put down.

8 Q Well, do you think she was lying to
9 you?

10 A I don't know.

11 Q If she said she didn't take any days
12 off, would you have paid her the full two hundred
13 dollars if you knew she had taken days off?

14 MR. CHUANG: I'd like to ask a point of
15 clarification. I think what she said
16 before was they have a certain set
17 schedule. I think they're allowed whatever
18 days off, in this deposition and previous
19 deposition we mentioned. This is in
20 addition to that regular time off; is that
21 correct? I think normally they have like a
22 day and a half off or something. This was
23 from the Li Rong Gao deposition. This was
24 in addition to that day and a half; is that
25 correct?

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1

JIA LI WANG

2

MR. COLODNY: Let me rephrase the

3

question.

4

Q Isn't it correct that you would not

5

have paid Ms. Gao the full two hundred dollars if she

6

had taken time off that was in addition to the time

7

off already in her schedule?

8

A I don't understand the question.

9

Q Okay. Please look at Page 4. In the

10

second column from the left it says 1.50 near the top

11

of the page, do you see that?

12

A Right here?

13

Q Yes. Near the top.

14

A Right here?

15

Q Yes. Does that mean that Ms. Gao

16

worked one and a half days less than what she

17

regularly would have been scheduled to work?

18

MR. FUNG: Objection. There is a

19

mistake in translation.

20

MR. COLODNY: What's the --

21

MR. FUNG: Can I clarify?

22

MR. COLODNY: Let the witness answer,

23

then we'll go back and clarify.

24

MR. FUNG: Okay.

25

A To answer this question?

1 JIA LI WANG

2 Q Please.

3 A Would you mind to repeat that question
4 again?

5 Q Let me ask it differently. What does
6 that number mean?

7 A She took off one and a half day.

8 Q Okay. Are those one and a half days in
9 addition to the one and a half days that she normally
10 had off per week?

11 A Different.

12 Q Can you turn to pages 5 and 6, please.
13 Have you ever seen these pages before?

14 A I don't remember.

15 Q Did the restaurant keep information
16 about workers on forms like this for people other
17 than Ms. Gao?

18 A No.

19 Q What about for Xiao Hong Zheng, are
20 there forms at the restaurant kept about what days
21 she worked and how much she was paid?

22 A This type of form?

23 Q Not this. I can take that back, thank
24 you. What I'm asking is whether the restaurant used
25 this type of form for other workers?

1 JIA LI WANG

2 A Just the wall.

3 Q Which wall?

4 A I don't have a clear recollection.

5 Q Was the piece of paper written in
6 English or Chinese?

7 A I don't remember.

8 Q What did the piece of paper say about
9 the minimum wage?

10 A That has about seven dollars and ten
11 cents as the minimum wage.

12 Q Other than that number, did you read
13 anything else on that piece of paper?

14 A They also mentioned something about
15 tips -- the wage for the servers that was a little
16 bit over four dollars.

17 Q Is there anything else that the paper
18 said?

19 A I don't remember.

20 Q During what period of time was this
21 piece of paper posted on the wall at the restaurant?

22 A I believe all the time.

23 Q So was it on the wall up until the time
24 the restaurant closed on June 1st, 2009?

25 A Yes, it did.

1 JIA LI WANG

2 Q During 2009 up until June 1st, what did
3 you think the minimum wage was?

4 A I can't recall. It was either seven
5 fifteen or something else.

6 Q Did you ever calculate how much Guang
7 Zhou Restaurant was paying per hour to any of the
8 waiters or headwaiters?

9 A These things happened a long time ago
10 and I just have difficulties recalling this kind of
11 information.

12 Q Does that mean that you don't remember
13 if you did this?

14 A Right.

15 Q Do you know if anyone else at the
16 restaurant ever calculated how much the restaurant
17 was paying per hour to the waiters or headwaiters?

18 A Do you want to repeat that?

19 MR. COLODNY: Could you read back the
20 last question, please?

21 (Whereupon, the requested question was
22 read back by the reporter.)

23 A I don't know.

24 Q Isn't it true in 2008 you knew that the
25 restaurant was paying less than the minimum wage to

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1

JIA LI WANG

2

the waiters and headwaiters?

3

A Do you mind repeat that again?

4

MR. COLODNY: Could you read back the

5

last question?

6

(Whereupon, the requested question was

7

read back by the reporter.)

8

A No, it was not. No.

9

Q In 2008, did you think that the

10

restaurant was paying an amount that was equal to or

11

greater than the minimum wage?

12

A I don't understand.

13

Q If you never calculated how much the

14

waiters and headwaiters were getting paid per hour,

15

how could you know whether the restaurant was paying

16

them the minimum wage?

17

A I'm still not going to get it. I'm

18

sorry.

19

Q Did you have an understanding one way

20

or the other whether the restaurant was paying the

21

minimum wage to the waiters and headwaiters in 2008?

22

A I have some trouble recalling things

23

happened in the past.

24

Q Did you have any understanding in 2009

25

of whether the restaurant was paying the waiters and

1 JIA LI WANG

2 headwaiters at least the minimum wage?

3 A Whatever Mr. Lai was doing, I was just
4 following the same practice.

5 Q Well, that wasn't my question.

6 MR. COLODNY: Can you read back the
7 last question, please.

8 (Whereupon, the requested question was
9 read back by the reporter.)

10 A I still have trouble recalling if I had
11 ever had any understanding about this issue.

12 Q Did you ever take any steps to
13 determine whether the restaurant was complying with
14 the minimum wage law?

15 A I did post that poster.

16 Q Did you ever take any steps to
17 determine whether the restaurant was paying the
18 workers at least the minimum wage?

19 A I just following what Mr. Lai's own
20 practice, whatever he was doing before, I just did
21 the same thing.

22 Q Do you know if anyone else at the
23 restaurant ever did anything to try to determine
24 whether the restaurant was paying the waiters and
25 headwaiters at least the minimum wage?

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1

JIA LI WANG

2

A I don't know.

3

Q Have you ever heard of a legal

4

requirement that employers must pay higher wages when

5

people work more than forty hours per week?

6

A Do you mind to repeat that question?

7

Q Sure. Have you ever heard of a legal

8

requirement that employers must pay higher wages when

9

employees work more than forty hours per week?

10

A As I said before, whatever Mr. Lai had

11

been doing in the past, I did the same thing.

12

Q Well, again, please just answer the

13

question that I'm asking. My question was whether

14

you ever heard of a legal requirement that employers

15

must pay higher wages when employees work more than

16

forty hours per week?

17

A We did post up the poster regarding the

18

minimum wage. We did that.

19

Q Did you ever hear of a legal

20

requirement called overtime?

21

A I only knew that I had to post up that

22

minimum -- post up that poster regarding the minimum

23

wage.

24

Q Other than putting up the poster, is

25

there anything you did to try to make sure the

1 JIA LI WANG

2 restaurant was paying its workers the legal amount?

3 A I don't quite remember.

4 Q Do you know if anyone else at the
5 restaurant did anything before June 1st, 2009 to
6 comply with any labor laws?

7 A I don't quite remember.

8 Q Did Li Rong Gao or Xiao Hong Zheng ever
9 complain to you about the working conditions at the
10 restaurant?

11 A What did they -- do what? Do you mind
12 to ask again?

13 Q Did Li Rong Gao or Xiao Hong Zheng ever
14 tell you that they were unhappy about any of the
15 working conditions at the restaurant?

16 A No.

17 Q Did either of them tell you they wanted
18 to receive more pay?

19 MR. CHUANG: Objection. Are you asking
20 if they asked for a raise or whether they
21 weren't paid enough? If you can clarify,
22 please.

23 Q I'm just asking if they wanted to
24 receive a higher wage.

25 MR. CHUANG: Objection. Confusing.

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1

JIA LI WANG

2 which part was incorrect.

3

Q Isn't it true that the waiters and

4

headwaiters normally had a schedule where they worked

5

six days each week?

6

A No.

7

Q How many days per week did the waiters

8

and headwaiters normally work?

9

A Five to five and a half days.

10

Q How many hours was a half day?

11

A I don't remember.

12

Q Isn't it true that Li Rong Gao normally

13

worked five and a half days per week?

14

A About right.

15

Q Isn't it true that Xiao Hong Zheng

16

normally worked five and a half days per week?

17

A That's right.

18

Q Isn't it true Wei Shen Tan normally

19

worked five and a half days per week?

20

A Right.

21

Q Isn't it true that Wei Jian Wu normally

22

worked five and a half days per week?

23

A Yes.

24

Q Before June 1st, 2009, if the

25

restaurant wanted to hire a new worker, did it put